

AMENDMENTS TO THE DRAWING FIGURES

Please amend the drawing figures by inserting the replacement drawing sheets attached to this Reply. As shown in the replacement drawing sheets, the figures have been amended so that solid black shading areas have been deleted, reference characters and lead lines have been added, all figures (notably Figs. 10a-10i) have been numbered separately, and the electrode controller is shown. No new matter has been added.

REMARKS

Status of Claims

Claims 1-21 were presented initially for examination. In response to a prior restriction/election requirement, claims 5 and 7-21 were withdrawn from consideration. No claims have been added, amended, or canceled. Accordingly, claims 1-4 and 6 were examined and are pending.

Summary of the Office Action

The Examiner has rejected claims 1, 3, 4, and 6 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,733,172 to Lee et al. ("Lee"). The Examiner also rejected claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Lee, and rejected claim 3 under 35 U.S.C. § 103(a) as being unpatentable over the publication to Zhong et al. ("Zhong").

The Examiner has also raised a number of objections to the figures.

The Cited Publications Are Not Prior Art

Lee has a filing date of March 11, 2002, and Zhong has a publication date in 2002. The present application claims priority to U.S. Provisional Application No. 60/409,359, filed on September 9, 2002. As a result, the present application claims priority to an application filed within one year of the effective dates of both Lee and Zhong.

Applicant submits herewith a declaration under 37 C.F.R. § 1.131 in which applicant establishes his invention of the subject matter of the claimed invention in this country prior to the effective dates of both Lee and Zhong. Applicant has supported this declaration with a showing of facts that establish conception of the invention prior to the effective dates of Lee and Zhong coupled with due diligence from prior to said dates to the filing of the provisional application to which the present application claims priority. Applicant has, therefore, satisfied the requirements of 37 C.F.R. § 1.131, and requests respectfully that the claim rejections based on Lee and Zhong be withdrawn as based on publications which are not prior art to the present invention.

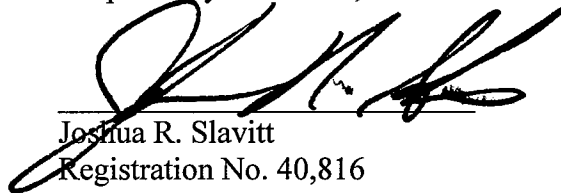
The Replacement Drawing Sheets Overcome the Examiner's Objections

Applicant submits herewith replacement drawing sheets which address all of the Examiner's objections to the figures as set forth in the Office Action. Specifically, the figures have been amended so that solid black shading areas have been deleted, reference characters and lead lines have been added, all figures (notably Figs. 10a-10i) have been numbered separately, and the electrode controller is shown. No new matter has been added.

Conclusion

Applicant respectfully submits that the application is now in condition for allowance, and an early Notice of Allowance is earnestly solicited.

Respectfully submitted,



Joshua R. Slavitt
Registration No. 40,816

SYNNESTVEDT & LECHNER LLP
2600 ARAMARK Tower
1101 Market Street
Philadelphia, PA 19107-2950
(215) 923-4466